

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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E. ALLEN REEVES, INC.

Plaintiff,

v.

MICHAEL GRAVES & ASSOC., INC.

Defendant.

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MICHAEL GRAVES & ASSOC., INC.

Third-Party Plaintiff,

v.

DAVID CHOU & ASSOCIATES, et al.

Third-Party Defendants.

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RECEIVED

JUN 28 2012

AT 8:30  
WILLIAM T. WALSH  
CLERK

Civil Action No. 10-01393 (JAP)

**ORDER**

Currently before the Court are four Motions to Dismiss filed in the above-captioned matter. These Motions were originally terminated in an Order directing the parties to proceed to mediation [docket entry no. 109]. The Court held a status conference in this case on February 1, 2012, and on March 15, 2012, ordered that the parties re-file any terminated motions they wished to be considered by the Court [docket entry no. 124]. Accordingly, Reeves filed a Motion to Dismiss Graves' counterclaim [docket entry no. 125], the Arts Council of Princeton filed a Motion to Dismiss Counts I and II of the Third-Party Complaint [docket entry no. 126], Sal Arnone filed a Motion to Dismiss the Third Party Complaint against him [docket entry no. 127], and Graves filed a Motion to Dismiss the Arts Council's Counterclaim [docket entry no. 128].

The Court heard argument on these Motions on June 26, 2012, and for the following reasons and for those stated on the record,

**IT IS**, on this 26th day of June, 2012

**ORDERED** that due to Graves' failure to allege any duty sounding in tort owed by Reeves, the Reeves Motion to Dismiss the counterclaim [docket entry no. 125] is granted; and it is further

**ORDERED** that due to the application of the economic loss doctrine to the contractual dispute underlying the Third-Party Complaint, the Arts Council of Princeton's Motion to Dismiss Counts I and II [docket entry no. 126] is granted; and it is further

**ORDERED** that, as Sal Arnone has withdrawn his Motion to Dismiss the Third-Party Complaint [docket entry no. 127], the clerk shall terminate this Motion; and it is further

**ORDERED** that Graves' Motion to Dismiss the Arts Council's Counterclaim [docket entry no. 128] for failure to file an affidavit of merit is denied.

  
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JOEL A. PISANO  
United States District Judge